

218377

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KARL MORELL



January 5, 2007

**BY HAND DELIVERY**

The Honorable Vernon Williams  
Surface Transportation Board  
1925 K Street NW  
Suite 715  
Washington, DC 20423-001

Re: STB Docket No. AB-1000X, Georgia Southwestern Railroad, Inc. -  
- Abandonment Exemption -- In Barbour County, Alabama

Dear Secretary Williams:

Attached for filing are the original and ten copies of a Petition for Exemption under 49 U.S.C. § 10502. Also attached is a check covering the \$5,300 filing fee.

Please time and date stamp the extra copy of the Petition and return it with our messenger.

If you have any questions, please call me.

Sincerely,

Karl Morell

**ENTERED**  
Office of Proceedings

JAN 5 2007

Part of  
Public Record

**FILED**

JAN - 5 2007

**SURFACE  
TRANSPORTATION BOARD**

Enclosures

**FEE RECEIVED**

JAN - 5 2007

**SURFACE  
TRANSPORTATION BOARD**

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1000X

GEORGIA SOUTHWESTERN RAILROAD, INC.  
--ABANDONMENT EXEMPTION--  
IN BARBOUR COUNTY, ALABAMA

PETITION FOR EXEMPTION



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Karl Morell  
Of Counsel  
Ball Janik LLP  
1455 F Street, N.W.  
Suite 225  
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(202) 638-3307

Attorney for:  
Georgia Southwestern Railroad, Inc.

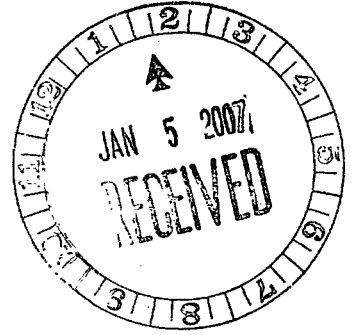
Dated: January 5, 2007

BEFORE THE  
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-1000X

GEORGIA SOUTHWESTERN RAILROAD, INC.  
--ABANDONMENT EXEMPTION--  
IN BARBOUR COUNTY, ALABAMA

PETITION FOR EXEMPTION



Georgia Southwestern Railroad, Inc. ("GSWR") petitions the Surface Transportation Board ("STB" or "Board") to exempt, under 49 U.S.C. § 10502, from the prior approval requirements of 49 U.S.C. §§ 10903-05, GSWR's abandonment of a 4.54-mile rail line located in Barbour County, Alabama.

**PROPOSED TRANSACTION**

GSWR proposes to abandon its rail line located between milepost H-334.46, at Eufaula, and milepost H-339.00, near Eufaula, in Barbour County, Alabama (the "Line"). The Line traverses U.S. Postal Service Zip Code 36027. A map of the Line is attached as Exhibit A.

Based on information in GSWR's possession, the Line does not contain any federally granted right-of-way. Any documentation in GSWR's possession will be made available to those requesting it.

**STATEMENT OF FACTS**

GSWR and its predecessors have leased the Line from the Central of Georgia Railroad Company ("CGA"), along with other rail lines since 1988. GSWR recently acquired the Line from CGA as part of a much larger transaction. *See* STB Finance Docket No. 34949, *Georgia*

*Southwestern Railroad, Inc. – Acquisition Exemption – The South Western Rail Road Company and Central of Georgia Railroad Company* (not printed), served November 22, 2006.

No local traffic has moved on the Line since at least 1999. The Line is stub-ended and, therefore, incapable of handling overhead traffic. Over the years, GSWR's prior owners and managers removed rail and other track materials ("OTM") on the Line to replace worn rail and OTM on other parts of the railroad. By 1999, most of the rail and OTM on the Line had been removed.

Because there have been no operations or maintenance on the Line in over seven years, the only costs currently associated with the Line are property taxes and certain minor administration costs. The Line, however, requires substantial rehabilitation if rail operations were to resume. Because most of the rail and OTM are missing and what remains is in very poor condition, GSWR estimates that it would cost approximately \$4 million to restart operations on the Line. Also, there are approximately 70 acres associated with the Line which have a value of approximately \$245,000.

Consequently, any future traffic would not only need to cover GSWR's transportation and equipment costs, maintenance of way costs of approximately \$27,915 a year<sup>1</sup>, applicable taxes, insurance and general administrative costs, but also provide GSWR a fair return on the value of the real estate underlying the Line and the \$4 million in rehabilitation expenditures. Based on GSWR's current operating ratio and the railroad industry's current after-tax cost of capital, the Line would need to generate over \$2.5 million in gross revenues in order for GSWR to earn a fair return on its investment in the rehabilitated Line.

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<sup>1</sup> GSWR's system-wide maintenance of way costs average approximately \$6,000 per mile per year.

The City of Eufaula has been interested in rail-banking the Line for years and has been waiting for GSWR's acquisition of the Line to be consummated. Several years ago, the City of Eufaula received a Federal grant to construct a trail along the corridor of the Line. The City, however, cannot obtain the grant until the City is able to enter into a rail-banking agreement with GSWR. The City was recently informed that the grant is about to expire. GSWR, as the new owner of the Line, is attempting expeditiously to abandon this unneeded rail line to accommodate the City of Eufaula whose grant money may expire if the Line is not rail-banked by next summer.

### **EXEMPTION REQUESTED**

GSWR seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 in order for GSWR to abandon this 4.54-mile rail line.

Under 49 U.S.C. § 10502, the STB must exempt a transaction from regulation when it finds that:

- (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and
- (2) either:
  - (a) the transaction is of limited scope; or
  - (b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the STB should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Act of 1980,

Pub. L. No. 96-448, 94 Stat. 1895, Congress encouraged the STB's predecessor to liberally use the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep. No. 1430, 96<sup>th</sup> Cong. 2d Sess. 105 (1980). See also Exemption From Regulation – Boxcar Traffic, 367 I.C.C. 424, 428 (1983), vacated and remanded on other grounds, Brae Corp. v. United States, 740 F.2d 1023 (D.C. Cir. 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provisions as Section 10502. H.R. Rep. 422, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. 168-69 (1995).

**A. The Application Of 49 U.S.C. § 10903 Is Not Necessary to Carry Out The Rail Transportation Policy**

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expenses associated with the filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. § 10101(2) and (7)]. *See, e.g., Norfolk & W. Ry. Co. – Abandonment Exem. – Cinn., Hamilton County, OH*, 3 S.T.B. 110 (1998); STB Docket No. AB-367 (Sub-No. 2X), *Georgia Central Railroad, L.P. – Abandonment Exemption – In Chatham County, GA* (not printed), served September 17, 1997 (“*Georgia Central*”). By abandoning the Line, GSWR will be able to avoid the significant rehabilitation and maintenance costs necessary to reactivate the

Line and the ownership costs associated with retaining a line that has been dormant for over seven years. Granting the exemption will thus foster sound economic conditions and encourage efficient management. 49 U.S.C. § 10101(5) and (9). *See, e.g.,* STB Docket No. AB-318 (Sub-No. 4X), *Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Lafourche and Assumption Parishes, LA* (not printed), served August 26, 1997; STB Docket No. AB-497 (Sub-No. 1X), *Minnesota Northern Railroad, Inc. – Abandonment Exemption – In Red Lake and Polk Counties, MN* (not printed), served November 14, 1997. GSWR will be able to rid itself of a line that has not seen traffic in well over seven years and utilize the salvage funds to maintain the tracks on the remainder of GSWR's system. Moreover, by allowing GSWR to abandon the Line, the Board will enable GSWR to convey the corridor to the City of Eufaula under the National Trails Systems Act, 16 U.S.C. § 1247(d). Other aspects of the rail transportation policy are not affected adversely. For example, competition and the continuation of a sound rail transportation system are not affected since there are no active shippers on the Line and no need for rail service along the Line.

**B. This Transaction Is Of Limited Scope**

In determining whether a proposed transaction is of limited scope, the Board considers a variety of factors, such as the length of the rail line, the number of shippers on the line and the traffic volume. *See, e.g.,* Docket No. AB-347 (Sub-No. 1X), *Florida West Coast Railroad Company – Abandonment Exemption – Gilchrist and Levy Counties, FL* (not printed), served January 16, 1992; Docket No. AB-6 (Sub No. 349X), *Burlington Northern Railroad Company – Abandonment Exemption – In Greene and Polk Counties, MO* (not printed), served August 27, 1993.

The proposed transaction is clearly of limited scope. GSWR is seeking to abandon a 4.54-mile line that traverses a predominantly rural area where there has been no demand for rail service for well over seven years. The shortness of the Line, the limited geographic area involved, and the lack of use all demonstrate the limited scope of the proposed abandonment. *See, e.g.,* Docket No. AB-397 (Sub-No. 3X), *Tulare Valley Railroad Company – Abandonment Exemption – In Tulare And Fresno Counties, CA* (not printed), served February 9, 1995.

**C. This Transaction Will Not Result In An Abuse of Market Power**

There has been no freight traffic on the Line for well over seven years. Therefore, regulation is not necessary to protect shippers from an abuse of market power. *See, e.g.,* STB Docket No. AB-55 (Sub-No. 576) *CSX Transportation, Inc. – Abandonment Exemption – In Guernsey County, OH* (not printed), served November 22, 1999; STB Docket No. AB-55 (Sub-No. 563X), *CSX Transportation, Inc. – Abandonment Exemption – In Harrison County, WV* (not printed), served September 25, 1998; *Georgia Central*.

**EXEMPTION FROM SECTIONS 10904 AND 10905  
IS ALSO WARRANTED**

GSWR has agreed to donate the Line to the City of Eufaula so that the City can erect a trail along the corridor of the Line. Accordingly, GSWR seeks an exemption from 49 U.S.C. §§ 10904 and 10905 to expedite the donation of the Line to the City.

The Board and its predecessor have granted exemptions from Sections 10904 and 10905 when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail freight service. As previously explained, no shippers have used the Line for over seven years and there is no current demand for rail service along the Line. Reinstitution of



rail freight service under Section 10904 is practicably and economically unfeasible since there is no demand for rail service and the cost of rehabilitating the Line is approximately \$4 million. Also, reinstituting rail service would be incompatible with the City of Eufaula's intended use of the Line.

GSWR has already agreed to donate the Line to the City of Eufaula for purposes of erecting a trail. The imposition of a public use condition on the Line under Section 10905 for some other public purpose would only delay GSWR's ability to transfer the Line to the City of Eufaula and would jeopardize the City's grant.

The Board should grant the requested relief because the Line is needed for a valid public purpose (a public trail) and there is no overriding public need for continued rail freight service along the Line. Applying the offer of financial assistance or public use requirements, in this instance, is not necessary to carry out the rail transportation policy. Allowing the abandonment exemption to become effective expeditiously, without first being subject to these requirements, would minimize the need for Federal regulatory control over the rail system, expedite regulatory decisions, and reduce regulatory barriers to exit [ 49 U.S.C. §§ 10101(2) and (7)]. As previously explained, regulation of this transaction is not necessary to protect shippers from an abuse of market power. See STB Docket No. AB-33 (Sub-No. 141X), *Union Pacific Railroad Company – Abandonment Exemption – In Pima County, AZ* (not printed), served February 16, 2000 (exemption granted where line was needed for public projects including bike/pedestrian paths); STB Docket No. AB-558X, *Doniphan, Kensett and Searcy Railway – Abandonment Exemption – In Searcy, White County, AR* (not printed), served May 6, 1999 (exemption granted where line was needed for construction project); STB Docket No. AB-480X, *K&E Railway Company – Abandonment Exemption – In Alfalfa, Garfield, and Grant Counties, OK and Barber County, KS*

(not printed), served December 31, 1996 (exemption granted where segments of line were needed for flood control); STB Docket No. AB-33 (Sub-No. 105X), *Union Pacific Railroad Company – Abandonment Exemption – In Kane County, IL* (not printed), served April 29, 1997 (exemption granted where right-of-way was needed for interim trail use); STB Docket No. AB-3 (Sub-No. 139X), *Missouri Pacific Railroad – Abandonment and Discontinuance of Operations Exemption – In Houston, Harris County, TX* (not printed), served December 31, 1996 (exemption granted where line was needed for expansion of warehouse and hiking and bike trail).

### **ENVIRONMENTAL AND HISTORIC REPORTS**

The Environmental Report and the Historic Report containing the information required by 49 C.F.R. §§ 1105.07 and 1105.08 are attached as Exhibit D. The Certificate of Service is attached as Exhibit C.

### **FEDERAL REGISTER NOTICE**

A draft Federal Register notice is attached to this Petition as Exhibit B.

### **LABOR PROTECTION**

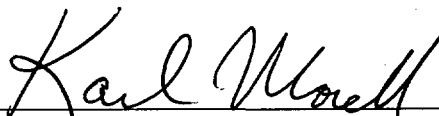
The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protection conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

### **CONCLUSION**

Application of the regulatory requirements and procedures of 49 U.S.C. § 10903 is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously described in this Petition. Nor is STB regulation required to protect shippers from the abuse of

market power. Moreover, this abandonment is of limited scope. Accordingly, GSWR respectfully urges the Board to grant the requested exemption.<sup>2</sup>

Respectfully submitted,

A handwritten signature in black ink, reading "Karl Morell". The signature is written in a cursive style with a horizontal line underneath the name.

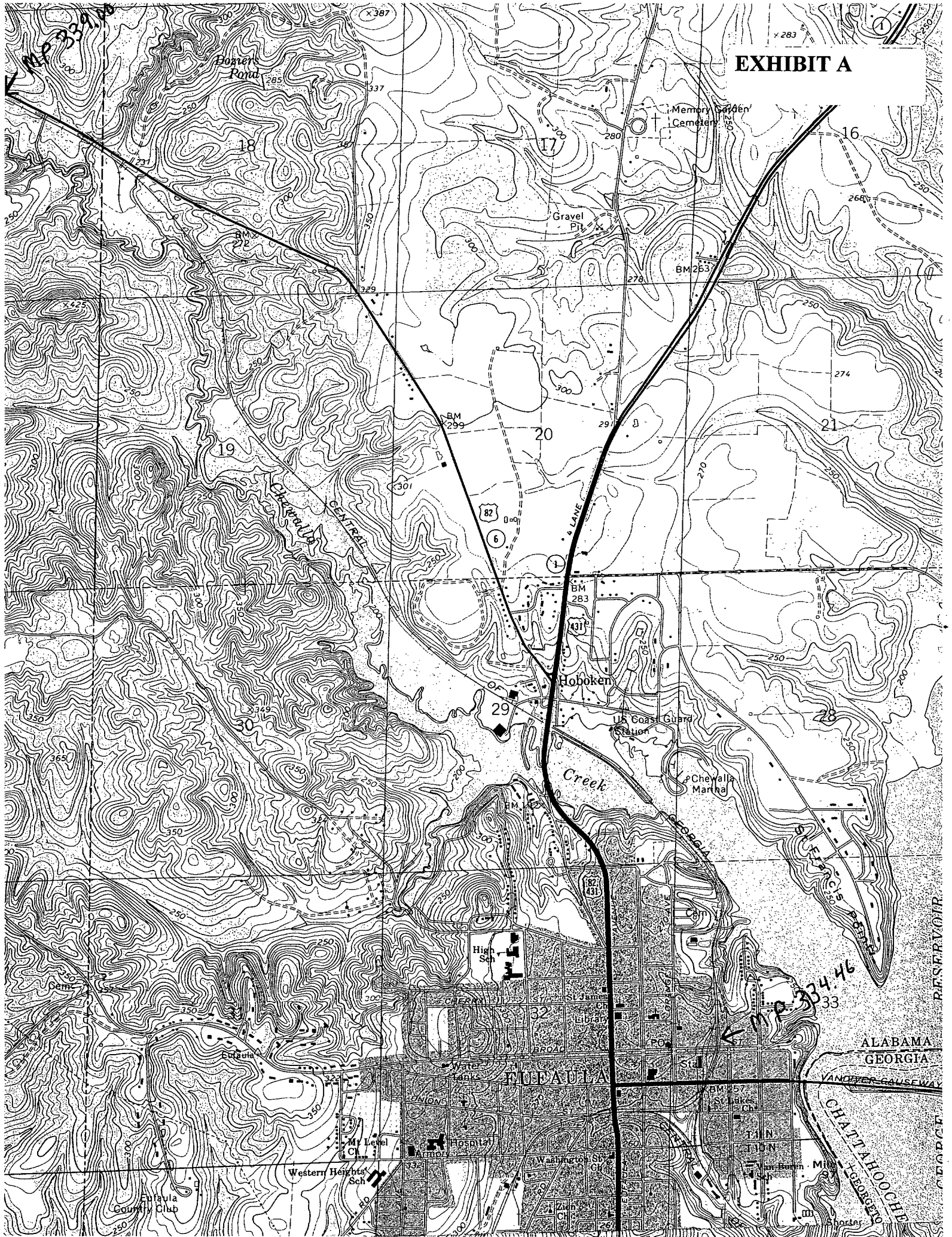
Karl Morell  
Of Counsel  
Ball Janik LLP  
1455 F Street, N.W.  
Suite 225  
Washington, D.C. 20005  
(202) 638-3307

Dated: January 5, 2007

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<sup>2</sup> Since the Line has been out of service for over seven years, it should qualify for the class exemption at 49 C.F.R. § 1152.50. It is unclear, however, whether a carrier that has leased and operated a rail line for over two years, but has owned the line for less than two years, can abandon the line under the class exemption. See *Tulare Valley R. Co. – Aban. – Kings & Tulare Count., CA*, 9 I.C.C.2d 1205 (1993).

EXHIBIT A



## **EXHIBIT B**

### **SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-1000X**

**GEORGIA SOUTHWESTERN RAILROAD, INC.  
--ABANDONMENT EXEMPTION--  
IN BARBOUR COUNTY, ALABAMA**

On January 5, 2007, Georgia Southwestern Railroad, Inc. (GSWR) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provision of 49 U.S.C. 10903-05 for GSWR to abandon a line of railroad extending from railroad milepost H-334.46, at Eufaula, AL, to railroad milepost H-339.00, near Eufaula, which traverses U.S. Postal Service Zip Code 36027, a distance of 4.54 miles in Barbour County, Alabama. There are no stations on the line for which abandonment exemption was filed.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued within 90 days (by April \_\_, 2007).

Any offer of financial assistance under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,300. *See* 49 C.F.R. 1002.2(f)(25).

All interested person should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any

request for a public use condition under 49 C.F.R. 1152.28 and any request for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*. Each trail use request must be accompanied by a \$200 filing fee. *See* 49 C.F.R. 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-1000X and must be sent to: (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, (2) Karl Morell, Of Counsel, Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 C.F.R. Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 565-1545 [TDD for the hearing impaired is available at (202) 565-1695.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: \_\_\_\_\_ 2007.

By the Board, David M. Konschnik, Director, Office of Proceedings,  
Vernon A. Williams


## EXHIBIT C

### CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.60(d), the undersigned hereby certifies that the Petition for Exemption in STB Docket No. AB-1000X was mailed via first class mail on January 5, 2007, to the following parties:

<b>State Public Service Commission</b>  Alabama Department of Transportation 1409 Coliseum Boulevard Montgomery, AL 36130  <b>Military Traffic Management Command</b>  MTMCTEA ATTN: Railroads for National Defense 720 Thimble Shoals Blvd., Suite 130 Newport News, VA 23606-2574	<b>National Park Service</b>  Chief of National Recreation and Trails U.S. Dept. of Interior - Nat'l. Park Service Recreation Resources Assistance Division 1849 C Street, NW Washington, DC 20240-0001  <b>National Park Service</b>  National Park Service 100 Alabama Street SW Atlanta, GA 30303  <b>U.S. Department of Agriculture</b>  U.S. Department of Agriculture Chief of the Forest Service 4th Floor N.W., Auditors' Building 14th St. and Independence Ave., S.W. Washington, DC 20250
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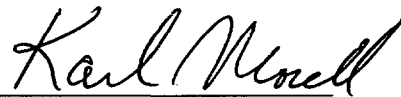
Dated: January 5, 2007

  
Karl Morell

### **CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-1000X was published on December 6, 2006, in the Eufaula Tribune, a newspaper of general circulation in Barbour County, Alabama as required by 49 C.F.R. § 1105.12.

Dated: January 5, 2007

A handwritten signature in cursive script, reading "Karl Morell". The signature is written in dark ink and is positioned above a horizontal line.

Karl Morell



**ENVIRONMENTAL REPORT  
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in STB Docket No. AB-1000X was mailed via first class mail on November 28, 2006, to the following parties:

Alabama State Clearinghouse Alabama Highway Department 1409 Coliseum Boulevard Montgomery, AL 36130	Alabama Department of Environmental Management 1400 Coliseum Boulevard Montgomery, AL 36110
Barbour County Commissioners P.O. Box 398 County Courthouse Clayton, AL 36016-0398	U.S. Environmental Protection Agency Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-3104
USDA Natural Resources Conservation Service P.O. Box 311 3381 Skyway Drive Auburn, AL 36830	U.S. Army Engineer District, Mobile P.O. Box 2288 Mobile, AL 36628-0001
U.S. Fish and Wildlife Service Richard B. Russell Building, Room 1200 1875 Century Boulevard Atlanta, GA 30345	The National Geodetic Survey Department of Commerce/NOAA SSMC3 Station 9356 1315 East West Highway Silver Spring, MD 20910
National Park Service 100 Alabama Street, SW Atlanta, GA 30303	

Dated: January 5, 2007

  
Karl Morell

**HISTORIC REPORT  
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in STB Docket No. AB-1000X was mailed via first class mail on November 28, 2006, to the following party:

Alabama Historical Commission  
468 South Perry Street  
Montgomery, AL 36130-0900

Dated: January 5, 2007

  
Karl Morell

**ENVIRONMENTAL REPORT****(49 C.F.R. 1105.7)****STB Docket No. AB-1000X****GEORGIA SOUTHWESTERN RAILROAD, INC.  
--ABANDONMENT EXEMPTION--  
IN BARBOUR COUNTY, ALABAMA**

***(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.***

Georgia Southwestern Railroad, Inc. ("GSR"), proposes to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost H-339.00, near Eufaula, in Barbour County, Alabama (the "Line"). Upon receipt of abandonment authority, GSR intends to remove the remaining rail, track material, and cross-ties. The one bridge structure on the Line will remain in place and will be incorporated into a trail along the right-of-way of the Line.

GSR and its predecessors have leased the Line for approximately 17 years. GSR recently acquired the Line as part of a much larger transaction.<sup>1</sup> To the best of GSR's knowledge, no local traffic has moved over the Line in at least seven years. The Line is stub-ended and, therefore, incapable of handling overhead traffic. The City of Eufaula has been seeking to rail-bank the Line for years. GSR, as the new owner of the Line, is attempting

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<sup>1</sup> See STB Finance Docket No. 34949, *Georgia Southwestern Railroad, Inc. – Acquisition Exemption – The South Western Rail Road Company and Central of Georgia Railroad Company* (not printed), served November 22, 2006.

expeditiously to abandon this unneeded rail line to accommodate the City of Eufaula whose grant money may expire if the Line is not rail-banked by next spring.

The Line has had no traffic in many years. In addition, no maintenance has been performed on the Line for some time. Indeed, GSWR's predecessors removed most of the rail on the Line to replace worn rail on other parts of the railroad. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

***(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.***

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. No local traffic has been handled on the Line for many years. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Consequently, the proposed abandonment will have no adverse effects on regional or local transportation systems and patterns.

***(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.***

(i) GSWR is confident that the proposed abandonment is not inconsistent with existing land use plans. The Barbour County Commissioners were contacted concerning the proposed

abandonment. See Exhibit 2. No response has been received to date. A copy of this Report has been mailed to the appropriate local and state agencies for their information and comment.

(ii) The proposed abandonment will not have any detrimental effect on prime agricultural land. GSWR notified the Natural Resources Conservation Service of the proposed abandonment and requested assistance in identifying any potential effects on prime agricultural land. See Exhibit 3. No response to this request has been received to date. A copy of this Report is being supplied to the USDA Natural Resources Conservation Service for its information and comment.

(iii) The Line does not pass through a designated coastal zone.

(iv) The involved right-of-way does not appear to be suitable for alternative public use other than a recreational trail since it is located mainly in a rural, sparsely populated area.

GSWR intends to rail-bank the Line.

***(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.***

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have no effect on overall energy efficiency as no local traffic has been handled on the Line in many years. The Line is stub-ended and, therefore, not capable of handling overhead traffic.

(iv) The proposed abandonment will not cause diversions of rail traffic to motor carriage, since no local traffic has been handled on the Line in many years and the Line is not capable of handling overhead traffic.

***(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.***

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

**(6) Noise.** *If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not applicable

**(7) Safety.** *(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) There are no known hazardous material waste sites or sites where known hazardous material spills have occurred on or along the rail corridor of the Line.

***(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.***

(i) The proposed abandonment will not have an adverse affect on endangered or threatened species or areas designated as a critical habitat. GSWR notified the U.S. Fish and Wildlife Service of the proposed abandonment and requested assistance in determining whether endangered or threatened species or areas designated as a critical habitat are likely to be adversely affected. See Exhibit 4. To date, no response to this request has been received. A copy of this Report is being supplied to the U.S. Fish and Wildlife Service for its information and comment.

(ii) GSWR does not believe that any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment. GSWR notified the National Parks Service of the proposed abandonment and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. See Exhibit 5. To date, no response to this request has been received. A copy of this Report is being supplied to the National Park Service for its information and comment.

***(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.***



(i) The proposed abandonment, in GSWR's view, will be consistent with applicable water quality standards. GSWR contacted the Alabama Department of Environmental Management ("ADEM") and the U.S. Environmental Protection Agency ("US EPA") concerning this matter requesting assistance in determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 6. To date, no responses to these requests have been received. A copy of this Report is being supplied to the US EPA and the ADEM for their information and comment.

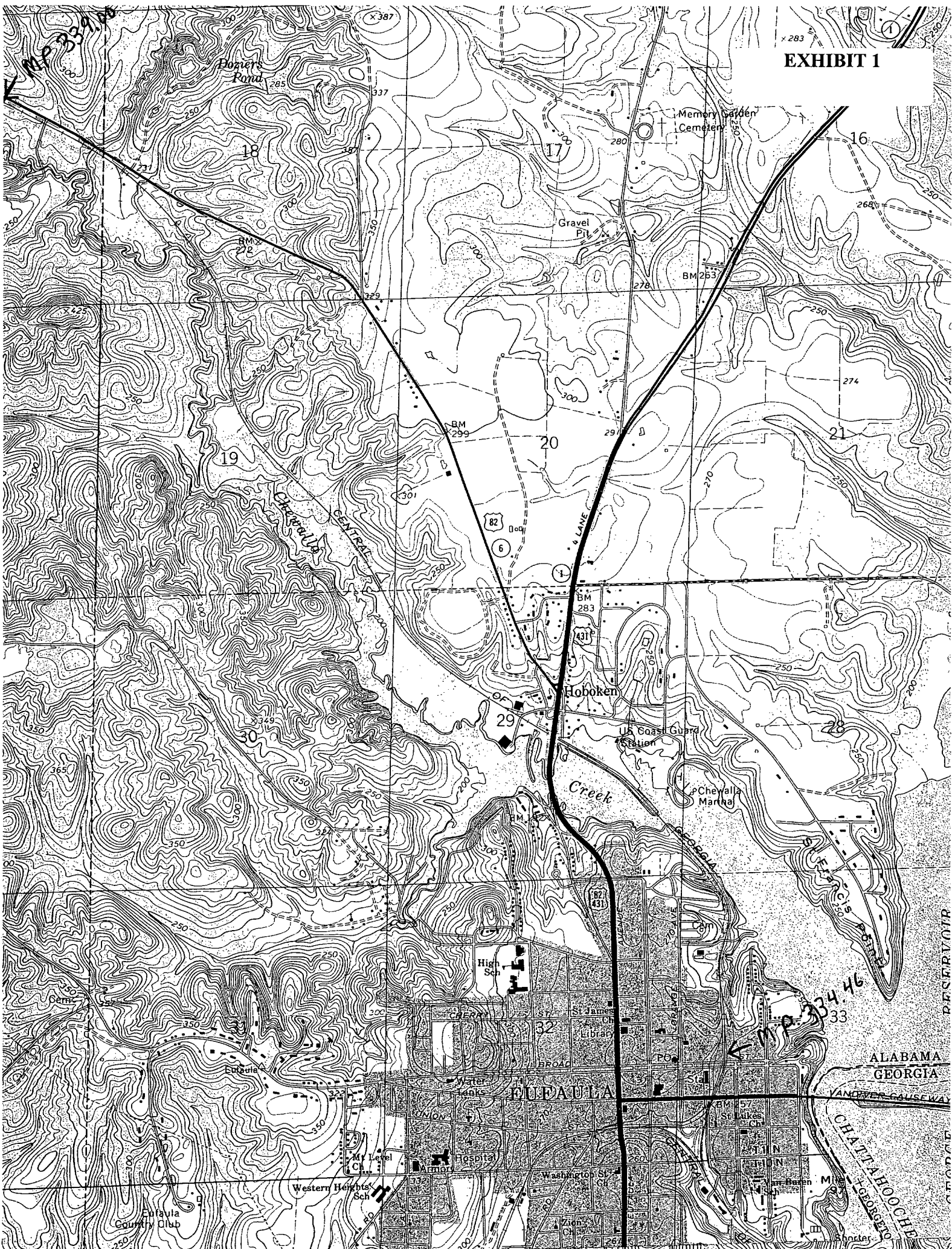
(ii) GSWR is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. GSWR contacted the Corps of Engineers concerning these matters. See Exhibit 7. To date, no response to this inquiry has been received. A copy of this Report is being supplied to the U.S. Army Corps of Engineers for its information and comment.

(iii) GSWR believes the proposed abandonment will not require the issuance of any permits under Section 402 of the Clean Water Act. GSWR contacted the US EPA concerning this matter and requested assistance in identifying any potential effects on applicable water quality standards and determining whether the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. See Exhibit 6. To date, no response to this request has been received. A copy of this Report is being supplied to the US EPA for its information and comment.

***(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.***

GSWR does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. GSWR will, of course, adhere to any remedial actions suggested by the recipients of this Report and required by the Board.

EXHIBIT 1



**BALL JANIK LLP**

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KARL MORELL  
OF COUNSEL

kmorell@bjllp.com

November 13, 2006

Barbour County Commissioners  
P.O. Box 398  
County Courthouse  
Clayton, AL 36016-0398

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSWR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSWR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on existing land use plans. We must determine whether the proposed abandonment is inconsistent with existing land use plans.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

BALL JANIK LLP

November 13, 2006

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Karl Morell". The signature is written in black ink and is positioned above the printed name.

Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

**BALL JANIK LLP**

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OF COUNSEL

kmorell@bjilp.com

November 13, 2006

USDA Natural Resources Conservation Service  
P.O. Box 311  
3381 Skyway Drive  
Auburn, AL 36830

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on prime agricultural land.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

November 13, 2006

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

**BALL JANIK LLP**

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WASHINGTON, D.C. 20005

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KARL MORELL  
OF COUNSEL

[kmorell@bjllp.com](mailto:kmorell@bjllp.com)

November 13, 2006

U.S. Fish and Wildlife Service  
Richard B. Russell Building, Room 1200  
1875 Century Boulevard  
Atlanta, GA 30345

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSWR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSWR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in determining whether it is likely to adversely affect endangered or threatened species or areas designated as a critical habitat.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



November 13, 2006

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

**BALL JANIK LLP**

**Exhibit 5**

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KARL MORELL  
OF COUNSEL

kmorell@bjllp.com

November 13, 2006

National Park Service  
100 Alabama Street, SW  
Atlanta, GA 30303

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. --  
Abandonment Exemption -- Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSWR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSWR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

November 13, 2006

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

**BALL JANIK LLP**

**Exhibit 6**

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WASHINGTON, D.C. 20005

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November 13, 2006

Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSWR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSWR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. GSWR does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

BALL JANIK LLP

November 13, 2006

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

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[kmorell@bjllp.com](mailto:kmorell@bjllp.com)

November 13, 2006

U.S. Environmental Protection Agency  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-3104

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSWR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSWR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on applicable water quality standards. We also seek your assistance in determining whether the proposed abandonment is consistent with applicable Federal, State or local water quality standards. GSWR does not believe any permits under Section 402 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.

November 13, 2006  
Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

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November 13, 2006

U.S. Army Engineer District, Mobile  
P.O. Box 2288  
Mobile, AL 36628-0001

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSWR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSWR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, in Barbour County, Alabama. A map of the proposed abandonment is attached.

Pursuant to the STB's environmental regulations at 49 C.F.R., Part 1105, we are advising you of this proposed action so that you may assist us in identifying any potential effects on designated wetlands or 100-year flood plains. GSWR does not believe any permits under Section 404 of the Clean Water Act will be required.

We would appreciate your review of the proposed abandonment and any comments you may wish to offer. We would also appreciate you providing us with a written response so that we can forward it to the STB.



November 13, 2006

Page 2

Thank you in advance for your prompt assistance. If you have any questions concerning this matter, please contact me.

Sincerely,

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Karl Morell

Attorney for:

Georgia Southwestern Railroad, Inc.

## HISTORIC REPORT

(49 C.F.R. 1105.8)

Docket No. AB-1000X

### GEORGIA SOUTHWESTERN RAILROAD, INC. --ABANDONMENT EXEMPTION-- IN BARBOUR COUNTY, ALABAMA

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

*(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

Georgia Southwestern Railroad, Inc. ("GSR"), proposes to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost H-339.00, near Eufaula, in Barbour County, Alabama (the "Line"). Upon receipt of abandonment authority, GSR intends to remove the remaining rail, track material, and crossties. The one bridge structure on the Line will remain in place and will be incorporated into a trail along the right-of-way of the Line.

GSR and its predecessors have leased the Line for approximately 17 years. GSR recently acquired the Line as part of a much larger transaction.<sup>1</sup> To the best of GSR's knowledge, no local traffic has moved over the Line in at least seven years. The Line is stub-ended and, therefore, incapable of handling overhead traffic. The City of Eufaula has been

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<sup>1</sup> See STB Finance Docket No. 34949, *Georgia Southwestern Railroad, Inc. – Acquisition Exemption – The South Western Rail Road Company and Central of Georgia Railroad Company* (not printed), served November 22, 2006.

seeking to rail-bank the Line for years. GSWR, as the new owner of the Line, is attempting expeditiously to abandon this unneeded rail line to accommodate the City of Eufaula whose grant money may expire if the Line is not rail-banked by next spring.

The Line has had no traffic in many years. In addition, no maintenance has been performed on the Line for some time. Indeed, GSWR's predecessors removed most of the rail on the Line to replace worn rail on other parts of the railroad. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

### **HISTORIC REPORT**

1. *A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;*

A map and the identification of the only structure on the Line that is 50 years old or older have been supplied to the Alabama Historical Commission ("AHC"). See Exhibit 2.

2. *A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;*

The right-of-way is predominately 100 feet in width. The 4.54-mile rail Line is located in Eufaula and a point north west of Eufaula, in Barbour County, Alabama, beginning at milepost H-334.46, north of Broad Street in Eufaula, and running generally north across Chewalla Creek and then in a northwesterly direction to the end of the line at milepost H-339.00. Outside the city limits of Eufaula, the Line crosses through a predominately flat, rural area.

3. ***Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediate surrounding area;***

The only structure on the Line associated with the proposed abandonment that may be 50 years old or older is one (1) bridge. The bridge is of quite common design and construction and of no historical significance. Pictures of the bridge are contained in Exhibit 2.

4. ***The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;***

There is one bridges located on the Line which may be fifty years old or older. See Exhibit 2. GSWR is not in possession of any engineering documents regarding the maintenance or repair of these bridges.

5. ***A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;***

There have been no rail operations on the Line in many years. Because of the lack of traffic on the Line, GSWR's predecessors began cannibalizing the Line as rail, track materials and ties were needed elsewhere on the railroad. Because no traffic has moved on the Line in recent years, no changes to current transportation patterns are anticipated upon the abandonment of the Line.

6. ***A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;***

There are no available individual drawings for the one bridge on the Line. The bridge is located at milepost 334.46 and is quite common in design and construction and is of no historical significance. It is typical of many bridges found throughout North America.

7. ***An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);***

The bridge is quite common in design and construction. It has no historical significance as to the history of railroad construction or operation. There are also no known archeological resources in the project area.

8. ***A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.***

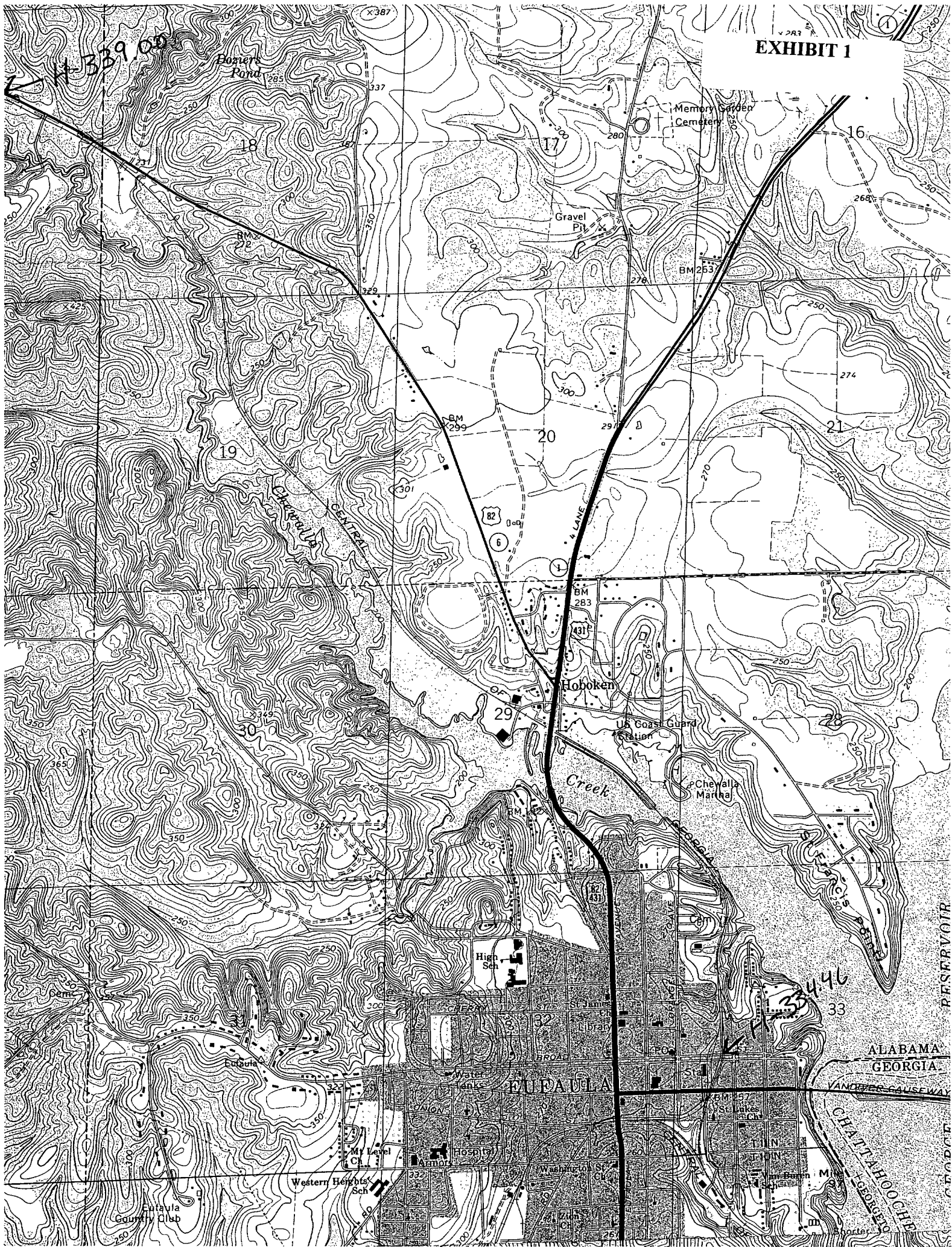
There are no existing records as to the nature of any known subsurface ground disturbance or fill, or environmental condition that might affect the archeological recovery of any potential resources.

9. ***Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).***

The GSWR does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than the information

previously submitted. But, if any additional information is requested, GSWR will promptly supply the necessary information.

**EXHIBIT 1**



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KARL MORELL  
OF COUNSEL

kmorell@bjllp.com

November 13, 2006

Alabama Historical Commission  
468 South Perry Street  
Montgomery, AL 36130-00900

**RE: Docket No. AB-1000, Georgia Southwestern Railroad, Inc. –  
Abandonment Exemption – Barbour County, AL**

Dear Sir/Madam:

Georgia Southwestern Railroad, Inc. ("GSR") is planning to file a Petition for Exemption with the Surface Transportation Board ("STB"), on or about December 18, 2006, for GSR to abandon the 4.54-mile rail line located between milepost H-334.46, at Eufaula, and milepost 339.00, near Eufaula, Barbour County, Alabama. One of the requirements for this filing with the STB is that the owner of the rail line contact the State Historic Preservation Office regarding the proposed abandonment.

Enclosed is a map depicting the area where the rail line is located. The proposed abandonment will involve the removal of any remaining rail, track material, and crossties; however, there are currently no plans to remove the one existing structure along the track.

The 4.54-mile rail line GSR seeks to abandon begins at milepost H-334.46, in down town Eufaula, and extends north across Chewalla Creek and then in a northwesterly direction to the end of the line at milepost H-339.00, approximately 3.5 miles north of Eufaula. Outside the limits of Eufaula, the line crosses through predominately flat, rural areas.

There is one (1) bridge on the rail line that appears to be 50 years old or older. Pictures of the bridge are attached. This structure is quite common in design and construction and, in GSR's view, has no historical significance. In any event, the bridge will not be affected by the abandonment. The City of Eufaula intends to use the bridge as part of its trail along the corridor of the line.



November 13, 2006

Page 2

We will send you a copy of the Historic Report as soon as it is completed. If I can of further assistance regarding this matter, please call me at (202) 638-3307.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl Morell". The signature is fluid and cursive, with the first name "Karl" and last name "Morell" clearly distinguishable.

Karl Morell

Attorney for

Georgia Southwestern Railroad, Inc.

